IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5290 of 1986

with

SPECIAL CIVIL APPLICATION No. 5291 of 1986

with

SPECIAL CIVIL APPLICATION No. 5292 of 1986

with

SPECIAL CIVIL APPLICATION No. 5293 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE TRANSPORT CORPN - Petitioner(s)
Versus
MOHMED S MAL & 3 - Respondent(s)

Appearance :
Mrs.Mayaben S. Desai for MR MD PANDYA for Petitioner.

SERVED for Respondent(s) : 1,

SERVED BY RPAD - (R) for Respondent(s) : 2,
None for respondent no.3,
NOTICE NOT RECD BACK for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 21/03/2006

COMMON ORAL JUDGMENT (Per :HONOURABLE MR.JUSTICE R.S.GARG)

Heard Mrs.Mayaben S. Desai, learned counsel under the authority of Mr.M.D. Pandya, advocate for the petitioner. None for the respondents.

2. These petitions arise from a common judgement and award dated 30th October 1985 rendered by the Motor Accident Claim Tribunal, Panchmahal at Godhra. Special Civil Application No.5290 of 1986 arises out Motor Accident Claim Petition No.619 of 1982; Special Civil Application No.5291 of 1986 arises out Motor Accident Claim Petition No.794 of 1982; Special Civil Application No.5292 of 1986 arises out Motor Accident Claim Petition No.795 of 1982; and Special Civil Application No.5293 of 1986 arises out Motor Accident Claim Petition No.796 of 1982. All these cases and 10 other cases were disposed of by the above judgement.

3. In these matters the claim amounts are Rs.1,000/-,

Rs.1,500/-, Rs.1,700/- and Rs.1,500/- respectively. As statutory appeal would not be maintainable against such small amounts, the petitioner has chosen to file these writ applications.

4. At the time of argument, Mrs.Desai submitted that the petitioner has filed two more writ petitions and as many as 7/8 appeals are pending consideration and if these petitions are dismissed and the findings recorded by the court below are confirmed, the same would operate as res judicata in all other matters, which are pending consideration even on the question of facts.

5. Taking the totality of the circumstances and the amounts involved in each of the matters, we are of the considered opinion that this Court is not required to interfere in these matters. We refuse to interfere and exercise our jurisdiction vested in us under Article 226/ 227 of the Constitution of India. All these petitions are dismissed. Rule is discharged and interim relief is vacated in each of these matters. No costs.

6. It is however, made clear that this dismissal would not affect the petitioner's right to challenge the findings recorded by the court below which they are

otherwise entitled to challenge in a court which shall consider the facts.

(R.S. GARG, J.)

(RAVI R. TRIPATHI, J.)

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